

DEC 19 2005

## Facsimile Transmittal

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No. of Pages: 10 (including cover)

Date:

42749-0012 (APR 2005) 4983

## Message:

Application Number	10/651,852
Filing Date	08/29/2003
First Named Inventor	Cartledge
Group/Art Unit	3731
Examiner Name	Not assigned
Attorney Docket Number	42749-0012

1. Transmittal Form
2. Fee Transmittal Form
3. Preliminary Amendment

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DEC 19 2005

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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*(to be used for all correspondence after initial filing)*

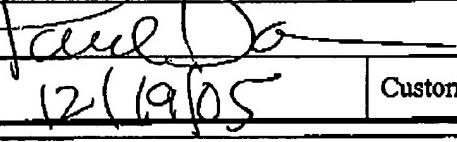
		Application Number	10/651,852
		Filing Date	08/29/2003
		First Named Inventor	Cartledge
		Group/Art Unit	3731
		Examiner Name	
Total Number of Pages in This Submission	9	Attorney Docket Number	42749-0012

## ENCLOSURES (check all that apply)

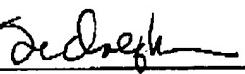
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> Exhibits <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> Statement under 3.73(b)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i> <div style="border: 1px solid black; padding: 5px; height: 40px; margin-top: 5px;">[Stamp Box]</div>
Remarks		

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Paul Davis, Reg. No. 29,294, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	12/19/05	Customer Number:	25213

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile on December 19, 2005

Sidney Manibusan 

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# COMBINED FEE TRANSMITTAL for FY 2005

*Effective 12/08/2004. Patent fees are subject to annual revision.*

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 25)

*Complete if Known*

Application Number	10/651,852	<b>RECEIVED</b>
Filing Date	08/29/2003	<b>CENTRAL FAX CENTER</b>
First Named Inventor	Cartledge	
Examiner Name	DEC 19 2005	
Art Unit	3731	
Attorney Docket No.	42749-0012	

## METHOD OF PAYMENT (check one)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Deposit Account				

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below

Credit any overpayments and charge any deficiencies

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION (continued)

<b>4. PETITION FEES UNDER 37 CFR 1.17 (i)</b>		<b>Fee Paid</b>
Fee Code: 1462	Fee \$ 400	

<b>5. PETITION FEES UNDER 37 CFR 1.17 (i)</b>		<b>Fee Paid</b>
Fee Code: 1463	Fee \$ 200	

<b>6. PETITION FEES UNDER 37 CFR 1.17 (h)</b>		<b>Fee Paid</b>
Fee Code: 1464	Fee \$ 130	

<b>7. PROCESSING FEES UNDER 37 CFR 1.17 (i)</b>		<b>Fee Paid</b>
Fee Code: 1808 (1803 for § 1.221)	Fee \$ 130	

## 8. OTHER FEES

1. BASIC FILING, SEARCH, AND EXAMINATION FEES							<b>Fee Paid</b>				
	FILING FEES	SEARCH FEES	EXAMINATION FEES								
Application Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)				
Utility	300	150	500	250	200	100	50	25	Surcharge - late provisional filing fee or cover sheet		
Design	200	100	100	50	135	65	130	130	Non-English specification		
Plant	200	100	300	150	160	80	1,840*	1,840*	Requesting publication of SIR after Examiner action		
Reissue	300	150	500	250	600	300	120	60	Extension for reply within first month		
Provisional	200	100	0	0	0	0	450	225	Extension for reply within second month		
	<b>SUBTOTAL (1)</b>		\$ 0		1,020	510	Extension for reply within third month				
								1,590	795	Extension for reply within fourth month	
								2,160	1,080	Extension for reply within fifth month	
								500	250	Filing a brief in support of an appeal	
								790	395	Filing a submission after final rejection (37 CFR 1.129(z))	
								1,510	1,510	Petition to institute a public use proceeding	
	Extra Claims		Fee from above	Fee Paid			500	250	Petition to revive - unavoidably abandoned application		
Total Claims	21	-20** =	1	x	25	=	25	1,500	750	Petition to revive - unintentionally abandoned application	
Independent Claims	1	-3** =	1	x	0	=	0	50	50	Processing fee for provisional apps (37 CFR 1.17(q))	
									180	180	Submission of Information Disclosure Statement
									1,000	500	Request for oral hearing
									790	395	For each additional invention to be examined (37 CFR 1.129(b))
									790	395	Request for Continued Examination (RCE)
									900	900	Request for expedited examination of a design application
									Other fee (specify)		
									<b>SUBTOTAL (4+5+6+7+8)</b>		\$ 25

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name	Paul Davis	Registration No. (Attorney/Agent)	29,294	Telephone	650 324-7041
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RECEIVED  
CENTRAL FAX CENTER

DEC 19 2005

Practitioner's Docket No. 42749-0012

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re application of: Cartlego

Serial No.: 10/651,852

Filed: 08/29/2003

For: Apparatus for implanting surgical devices for controlling the internal circumference of an anatomic orifice or lumen

Group No.: 3731

Examiner: Unassigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

**Introductory Comments**

Please consider the following amendments and remarks.

Amendments to the Specification begins on page 2.

Claims listing begins on page 3.

Remarks begin on page 7.

12/21/2005 EFLORES 00000075 081641 10651852

01 FC:2202 25.00 DA

Attorney Docket No.: 42749-0012  
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AMENDMENT OR RESPONSE TO OFFICE ACTION - PAGE 1 -

PAGE 4/10 \* RCVD AT 12/19/2005 9:06:22 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/24 \* DNIS:2738300 \* CSID:650 324 0638 \* DURATION (mm:ss):03:50